

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00330-GCM**

DEBORAH FRANKLIN,

Plaintiff,

v.

**CITY OF CHARLOTTE,
WENDE KERL,**

Defendants.

ORDER

THIS MATTER comes before the Court on its own motion. All three parties filed exhibits under seal in support of their cross-motions for summary judgment. *See* ECF No. 24, 25. Plaintiff filed a motion to seal, as did the Defendants. *See* ECF No. 17, 23. The Court ordered additional briefing on the issue of sealing. ECF No. 28.

In Plaintiff's motion to seal, she argued that "Counsel does not believe any of these listed documents warrants sealing," and that "any documents relied upon by the Court at summary judgment should, in Plaintiff's view, automatically become public record and be unsealed at that time." ECF No. 23 at 1. Plaintiff later explained in a response to Defendants' supplemental briefing that her motion "was filed solely because the parties could not agree on the filing status of certain documents." ECF No. 40 at 1 n.1. Plaintiff offered to withdraw her motion and confirmed that she "does not believe that any documents warrant sealing at this stage." *Id.*

Because it appears that Plaintiff has constructively withdrawn her motion to seal, the Court will deny her motion (ECF No. 23). However, any documents that she previously filed under seal (ECF No. 24) will temporarily remain under seal pending the disposition of the other sealed exhibits.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Seal (ECF No. 23) is **DENIED**. The unsealing of Plaintiff's sealed exhibits (ECF No. 24) is **HELD IN ABEYANCE** pending further proceedings.

Signed: October 19, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

